



**HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING**  
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**TECHNICAL STAFF REPORT**  
**“GATEWAY OVERLOOK AT BENSON EAST”**

**Planning Board Meeting of May 10, 2007**

**Case No./Petitioner:**

**SDP-06-128, Brian Knauff, The Ryland Group**

**Project Name:**

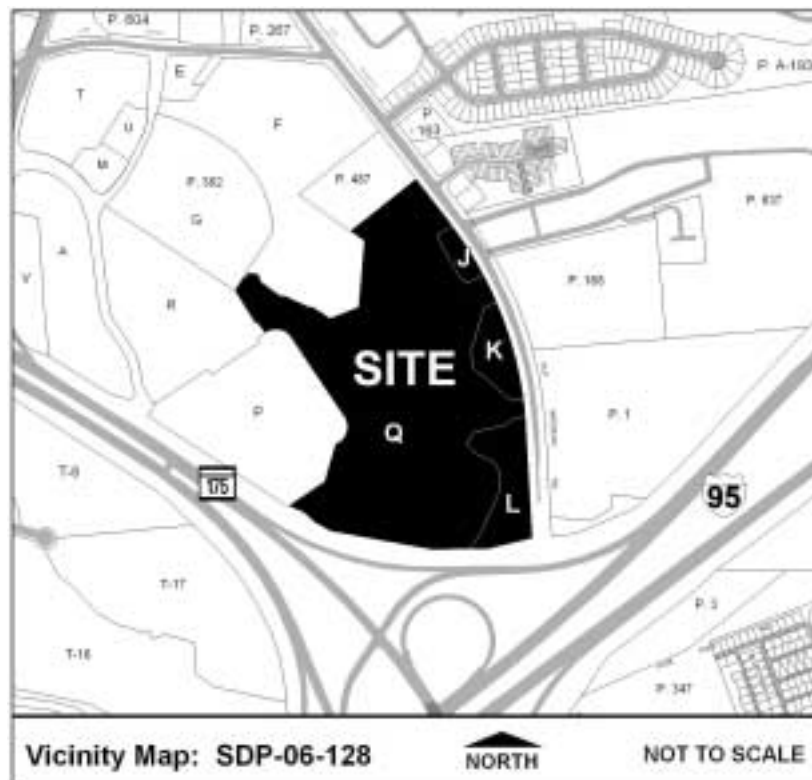
**Gateway Overlook at Benson East**

**Request:**

The request is for approval of a site development plan (SDP) for the construction of 66 single-family attached (SFA) condominium units and other site improvements in accordance with Final Development Plan Phase 240-A-I (FDP-240-A-I). The applicant is also requesting a reduction in the required 30-foot setback from the right-of-way of any public street, road or highway for attached land uses. The request is for a reduction from 30 feet to 10 feet for some of the units on Parcels “J”, “K” and “L”. Per FDP-240-A-I, the Planning Board has the authority to review and approve deviations from required minimum setbacks for attached land uses outlined under Section 6B-2 ‘Land Use Areas’. The project area for this SDP is approximately 9.36 acres across four separate lots (“J”, “K”, “L” and a portion of “Q”) of Parcel 382 and is zoned New Town (NT).

**Location:**

The single family attached dwellings (and associated easements) will be located on the west side of Old Waterloo Road (extended under F-06-203), identified as Benson East, Parcels “J”, “K” and “L” and “Q” on Tax Maps 37 and 43, Grids 20 & 21 and 2 & 3, in the Sixth Election District of Howard County, Maryland.



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Vicinal Properties:

The subject properties are identified as Parcels “J”, “K” and “L” of the Benson East subdivision, situated on the west side of Old Waterloo Road, adjoining Parcel “Q” (containing associated easements) to the west and north. Parcel Q is a designated credited open space parcel. To the east, across Old Waterloo Road are Parcels 637 (Lot A), 168 and 1. Parcel 637, Lot A is improved with the Sherwood Crossing Apartments, Parcel 168 is the location of the Waterloo Middle School and Deep Run Elementary School and Parcel 1 is improved with a park owned by Howard County Maryland (Recreation and Parks). Along its southern boundary, Parcel “L” adjoins the right-of-way for the ramp of I-95 onto MD. Rt. 175.

Site History:

- PB-360 (S-03-005)/Benson East; Decision and Order signed 4/14/04.
- FDP-240/Benson East; Recorded 6/3/05.
- F-05-058/Benson East; Parcels “A-M” and Open Space Parcels “N” & “O”; Recorded 12/12/05
- F-06-102/Benson East; Parcels “P”, “R”, “T” & “U”, Non-Buildable Parcel “S” and Open Space Parcels “Q” and “V”; Recorded 7/20/06
- F-07-027/Benson East, Parcel “G”-to add easements; Recorded 10/26/06
- FDP-240-A/Benson East; Recorded 1/25/06
- S-03-005-Amended/Benson East; Approved 1/19/06
- SDP-04-163/Benson East, Mass Grading; Approved 10/27/04
- FDP-240-A-1/Benson East; amendment to add gas station criteria; Recorded 1/19/07
- F-06-203/Old Waterloo Road extension-Gateway Overlook at Benson East, extension of Old Waterloo Road; Road Construction Drawings; Approved 3/15/07.
- F-07-119/Benson East; Parcels “J”, “K”, “L” and Open Space Parcel “Q”; to add and to abandon several easements. Recorded 2/23/07.

General Comments:

**Planning Board (PB) Case 360:** As part of their approval of PB-360 (S-03-05) in 2004, the Planning Board approved Parcels “J”, “K”, and “L” with an “apartment” land use designation. The Board, however, conditioned their approval on these parcels being developed with single-family attached dwelling units.

**Site Improvements:** The SDP proposes the construction of 66 single-family attached condominium units and related improvements across 3 parcels-“J”, “K” and “L”. Units 1-37 would be built on Parcel “L”, units 38-57 on Parcel “K” and units 58 through 66 on Parcel “J”. In accordance with FDP-240-A-I, a maximum of 10 units per acre (or 66 units) may be constructed on Parcels “J”, “K”, and “L”. The 66 proposed dwelling units will be accessed via three private roads extending off of Old Waterloo Road.

Each single-family unit will provide 2 parking spaces within their garage and 2 parking spaces within their driveway. An additional 36 visitor/overflow parking spaces would be provided in the associated parking lot areas. The maximum height for structures on these parcels as dictated by FDP-240 A-I is 40 feet from the highest adjoining ground elevation. Each unit will be 33.4’ as measured to the mid- point of the roof.

**Environmental Concerns:** Wetlands, wetland buffers, a perennial stream, stream buffer and 100-year floodplain exist on Parcel “Q”. The Limits of Disturbance (LOD) will not impact these areas.

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**Stormwater Management:** Stormwater Management (SWM) for this project will be met by two pond facilities. SWM pond #1 will be located on Parcels “L” and “Q” and SWM pond #2 will exist on Parcels “K” and “Q” . A design manual waiver to Section 5.2.4.1. of Design Manual Volume 1 (which requires a minimum buffer width from a property line to the top cut of a SWM pond) was granted on 1/17/07.

**Landscaping:** The Landscape Plan for this project complies with the New Town alternative compliance provision of the Howard County Landscape Manual and Section 16.124 of the Howard County Code.

**Forest Conservation:** The property is exempt from the requirements of Section 16.1200 of the Howard County Code for Forest Conservation because the property is zoned NT and has had preliminary plan approval prior to 12/31/92 per Section 16.1202(b)(1)(iv).

**Setback Requirements:**

The following setbacks are required per FDP-240-A-I for attached land uses:

- 30’ setback from the right-of-way of any public street, road or highway.

**The Planning Board’s approval is required for the following setback reduction:**

A reduction of the 30’ setback from the right-of-way of Old Waterloo Road to 10’ for Parcels “J”, “K” and “L”. In accordance with criteria 6B-2 of FDP-240-A-I, the Planning Board may authorize the construction of structures at any location within a setback in conjunction with their approval of the corresponding Site Development Plan.

Per information provided by the applicant (attached), the right-of-way for Old Waterloo Road is approximately 100’ wide in front of Parcels J through L. When I-95 was built, Old Waterloo road was changed to a dead end road terminating adjacent to Parcel “L” and is now classified as a local road. Per County regulations, local roads are now built as 60’ right-of-ways (not 100’). Both the Maryland State Highway Administration (MSHA) and the Howard County Department of Public Works (DPW) have jurisdiction over certain parts of the Old Waterloo Road right-of-way. In order to reduce the 100’ right-of-way to a 60’ right-of-way (thus allowing the project to meet the required 30’ setback by right), MSHA would need to convey the right-of-way to Howard County then Howard County could consider a reduction for Old Waterloo Road from a 100’ to a 60’ right-of-way. Such processes would require a significant amount of time, resulting in an undue hardship for the developer.

In addition, a traffic study was conducted in August of 2006. Traffic counts for the proposed development were consistent with the local road classification. Due to the orientation of Rt. 175 and I-95, Old Waterloo Road could not be extended to connect with either major right-of-way in the future, thus helping to guarantee its local road status.

Based on the above information, the location for the proposed SFA dwelling units (10’ from the 100’ right-of-way) would not alter the essential character of the neighborhood or district, would not impair the use or development of adjacent properties and would not be detrimental to the public welfare.

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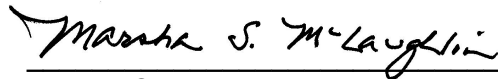
Adjustment to the setback will allow the project to be more consistent with existing development already occurring along Old Waterloo Road, on which several structures are directly on the existing right-of-way line. Proposed structures under this SDP will be approximately 32-36' from the sidewalk adjacent to the road. No impacts to environmental features are to occur with this proposal.

SRC Action:

The Subdivision Review Committee (SRC) determined this plan may be approved, subject to the compliance with comments from the Development Engineering Division, the Howard Soil Conservation District and the Division of Land Development. **The site development plan file is available for public review at the Public Service Counter of the Department of Planning and Zoning, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

Recommendation:

The Department of Planning and Zoning recommends that the Planning Board approve this SDP, with the associated setback reduction, subject to compliance with the SRC agency comments issued for SDP-06-128.

  
Marsha S. McLaughlin, Director  
Department of Planning and Zoning

05/03/07

Date